

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/1681/74

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 26th September, 1974 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Municipalities (First Amendment) Bill, 1974

(Bill No. 13 of 1974)

A BILL

to amend the Goa, Daman and Diu Municipalities Act, 1968.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-fifth Year of the Republic of India, as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa, Daman and Diu Municipalities (First Amendment) Act, 1974.

(2) It shall come into force at once.

2. *Amendment of section 226.* — In section 226 of the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969), —

(i) in sub-section (1), after the words "fix the hours within which" a comma shall be inserted and after the comma so inserted the words "the manner in which" shall be inserted;

(ii) in sub-section (2), after the words "a notice of such hours" a comma shall be inserted and after the comma so inserted the word "manner" shall be inserted;

(iii) in sub-section (3), —

(a) in clause (a), —

(i) after the words "such hours" a comma shall be inserted and after the comma so inserted the word "manner" shall be inserted;

(ii) after the words and comma "within the hours so fixed, or" the words "in the manner or" shall be inserted;

(b) in clause (b), after the words "whether such hours" a comma shall be inserted and after the comma so inserted the word "manner" shall be inserted.

Statement of Objects and Reasons

In some of the urban areas there are some dry latrines which have not been converted by the concerned owners into water-borne ones. The night soil from the latrines of such nature is being disposed of by the scavengers by head-load. The practice of carrying night soil by head-load is extremely undesirable apart from being unhygienic.

The Goa, Daman and Diu Municipalities Act, 1968 does not have adequate provision to ban the practice of carrying of night soil by head-load. Secondly, since the latrines are not waterborne ones the night soil from such latrines has to be disposed of in some other way which may vary in every urban area.

The Bill empowers the Chief Officers of the Municipal Councils to prescribe the manner for the disposal of night soil. When the Bill is enacted the unhygienic way of carrying night soil by head-load will be stopped and the Chief Officers of Municipal Councils will be able to authorise some other mode for transport of night soil.

Financial Memorandum

The Bill involves no financial implications.

Memorandum regarding Delegated Legislation

Clause 2 of the Bill empowers the Chief Officer of the Municipal Councils to prescribe the manner for the disposal of night soil.

PRATAPSING RANE

Minister for Local Self
Government

Panaji,
29th August, 1974

Assembly Hall,
Panaji,
18th September, 1974.

M. M. NAIK

Secretary to the Legislative
Assembly of Goa, Daman and Diu

(Annexure to Bill No. 13 of 1974)

The Goa, Daman and Diu Municipalities (First Amendment) Bill, 1974

The Goa, Daman and Diu Municipalities Act, 1968

(Act No. 7 of 1969)

226. Removal of night-soil. — (1) The Chief Officer may from time to time fix the hours within which and the routes by which only it shall be lawful to remove any night-soil or such other offensive matter.

(2) The Chief Officer shall cause a notice of such hours and routes to be given in the manner prescribed in section 311.

(3) Whoever, —

(a) when the Chief Officer has fixed such hours and routes and given such public notice, removes or causes to be removed along any street any such offensive matter at any time except within the hours so fixed, or by any route other than that fixed by the Chief Officer; or

(b) at any time, whether such hours or routes have been fixed by the Chief Officer or not, —

(i) uses for any such purpose any cart, carriage, receptacle or vessel, not having a covering sufficient for preventing the escape of the contents thereof and of the stench therefrom; or

(ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof; or

(iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled; or

(iv) places or sets down in any public place any vessel containing such offensive matter, shall, on conviction, be punished with fine which may extend to one hundred rupees.

Assembly Hall,

M. M. NAIK

Panaji,

Secretary to the Legislative
Assembly of Goa, Daman and Diu

18th September, 1974

LA/B/7/1682/74

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 26th September, 1974 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Legislative Diploma No. 1984
of 14th April, 1960 (Second Amendment) Bill, 1974

(Bill No. 14 of 1974)

A

BILL

to amend the Legislative Diploma No. 1984 of 14th April, 1960, regulating the working and functioning of the Institute of Public Assistance (Providoria de Assistencia Publica).

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-fifth Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Goa, Daman and Diu Legislative Diploma No. 1984 of 14th April, 1960 (Second Amendment) Act, 1974.

(2) It shall come into force at once.

2. Substitution of new article for article 16. — For article 16 of the Legislative Diploma No. 1984 of 14th April, 1960 the following article shall be substituted, namely: —

"16(1) The Conselho da Provedoria (hereinafter referred to as the 'Council'), shall consist of a Chairman and four other members, including the Provedor, who shall be the Member-Secretary of the Council.

(2) The Chairman and other three members of the Council shall be appointed by the Administrator by notification in the Official Gazette:

Provided that the Chairman shall be an Officer of the Government.

(3) Every non-official member of the Council shall hold office for a period of three years and shall be paid such allowances from the funds of the Provedoria as may be fixed by the Administrator.

Explanation. — In this article, —

(a) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu, appointed by the President, under article 239 of the Constitution;

(b) "Official Gazette" means the Goa, Daman and Diu Government Gazette."

Statement of Objects and Reasons

Diploma Legislative No. 1984 dated 14-4-1960 governs the functioning of the Provedoria de Assistencia Publica which is a Social Welfare Organisation in existence in this territory. Article 16 of the said Diploma deals with the Constitution of the Council of the Provedoria. Under the said article the Council has to consist of, amongst others a superior Officer of the Fazenda and Provedor da Santa Casa de Misericordia da Goa. After liberation both "Fazenda" and "Santa Casa" have ceased to be in existence and as such the old Council of the Provedoria has also ceased to be in existence and the Provedoria has been functioning without the Council but with only the Provedor.

The present Bill seeks to amend the Legislative Diploma No. 1984. Under the Bill the Government is being empowered to nominate a Council so that the Provedoria can function properly.

Financial Memorandum

The Bill involves no expenditure from the Consolidated Fund.

Memorandum regarding Delegated Legislation

Sub-clause (3) of Clause 2 of the amending Bill empowers the Administrator to prescribe allowances from the funds of the Provedoria as may be fixed for the purpose of carrying into effect the provision of the Bill.

Panaji,

SHASHIKALA G. KAKODKAR

10th September, 1974.

Chief Minister

Assembly Hall,

M. M. NAIK

Panaji,

Secretary to the Legislative
Assembly of Goa, Daman and Diu

17th September, 1974.

Administrator's recommendation under section 23 of the Government of Union Territories Act, 1963.

In pursuance of sub-section (3) of Section 23 of the Government of Union Territories Act, 1963, the Administrator of the Union territory of Goa, Daman and Diu, has recommended to the Legislative Assembly of Goa, Daman and Diu the introduction and consideration of the Goa, Daman and Diu Legislative Diploma No. 1984, dated 14-4-1960 (Second Amendment) Bill, 1974.

(Annexure to Bill No. 14 of 1974)

The Goa, Daman and Diu Legislative Diploma No. 1984
of 14th April, 1960 (Second Amendment) Bill, 1974

Legislative Diploma No. 1984, dated 14th April, 1960

Article 16. — The Council of Provedoria shall function under its Provedor and shall have the following composition:

- (a) Officer Representative of Revenue Department;
- (b) Provedor of Santa Casa de Misericordia de Goa;
- (c) President of the Hospicio of Margao;
- (d) President of the Asilo of Mapusa;
- (e) One representative from the Talukas of Goa, Ponda and Sanguem;
- (f) One representative from the Talukas of Salcete, Quepem and Canacona;
- (g) One representative from the Taluka of Bardez, Pernem, Bicholim and Satari;
- (h) One representative from Daman; and
- (i) One representative from Diu.

Para 1. ... In case there are equal number of votes regarding any matter Provedor shall have the right of casting vote.

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative Assembly
17th September, 1974. of Goa, Daman and Diu

LA/B/7/1633/74

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 26th September, 1974 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Nyaya Panchayats Bill, 1974

(Bill No. 15 of 1974)

A BILL

to provide for the disposal of simple cases in rural areas by Nyaya Panchayats constituted and organised from among themselves by members of the village community.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-fifth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. **Short title, extent and commencement.** — (1) This Act may be called the Goa, Daman and Diu Nyaya Panchayats Act, 1974.

(2) It extends to the whole of the Union territory except such areas as are for the time being municipal areas under the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969).

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different areas.

2. **Definitions.** — In this Act, unless the context otherwise requires,—

(a) "Chairman" and "Vice-Chairman" means the Chairman and Vice-Chairman respectively of a Nyaya Panchayat;

(b) "circle" means the circle for which a Nyaya Panchayat has been established;

(c) "Court of Session" means the Court of Session for the sessions division in which the Nyaya Panchayat is situated, and includes any other criminal court which may be specified by the Government, by notification in the Official Gazette, as having the powers of a Court of Session under this Act;

(d) "District Court" means the District Court constituted under section 3 of the Goa, Daman and Diu Civil Courts Act, 1965 (16 of 1965);

(e) "Government" means the Government of Goa, Daman and Diu;

(f) "member" means a member of a Nyaya Panchayat;

(g) "Nyaya Panchayat" means the Nyaya Panchayat established for a circle under section 3;

(h) "Panchayat" means a panchayat established under section 3 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (9 of 1962);

(i) "prescribed" means prescribed by rules made under this Act;

(j) "Union territory" means the Union territory of Goa, Daman and Diu;

(k) "village" means a village for which a Panchayat has been established under section 3 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (9 of 1962).

CHAPTER II

Establishment and Constitution of Nyaya Panchayats

3. **Establishment of Nyaya Panchayats.** — (1) For the disposal of simple cases in any area to which this Act extends, the Government may, by notification in the Official Gazette, group five or more villages into a circle and establish a Nyaya Panchayat for the circle:

Provided that the Government may group even less than five villages into a circle, if, having regard to the location or the facilities of communication available or their population, it considers it necessary so to do.

(2) The Nyaya Panchayat shall be known by such name as may be specified in the aforesaid notification.

(3) Every Nyaya Panchayat shall use a seal of such form and dimensions as may be prescribed.

4. **Constitution of Nyaya Panchayat.** — (1) A Nyaya Panchayat shall consist of one member elected in the prescribed manner by every Panchayat in the circle.

(2) The elected members of a Nyaya Panchayat shall, —

(a) if no woman has been elected to the Nyaya Panchayat, co-opt one woman;

(b) if no person belonging to the Scheduled Castes has been elected to the Nyaya Panchayat, co-opt one person belonging to the Scheduled Castes.

Explanation. — In this section "Scheduled Castes" has the same meaning as in the Constitution.

5. Failure to elect or co-opt. — If any Panchayat fails to elect a member to a Nyaya Panchayat or if the elected members of the Nyaya Panchayat fail to co-opt a member as required by sub-section (2) of section 4, the Government may nominate any person who is qualified to be so elected or co-opted, as the case may be, to fill the vacancy.

6. Qualifications for membership of Nyaya Panchayat. — No person shall be eligible for election or co-option as a member of a Nyaya Panchayat unless he —

(a) has completed the age of thirty years;

(b) is ordinarily resident, in the case of a member to be elected, within the jurisdiction of the Panchayat electing him, and in the case of a member to be co-opted, within the jurisdiction of the circle for which a Nyaya Panchayat has been established; and

(c) is able to read and write the language commonly in use in the circle for which the Nyaya Panchayat has been established.

7. Disqualifications for membership. — (1) A person shall be disqualified for being chosen as, and for being, a member of a Nyaya Panchayat —

(a) if he holds any office under the Central Government, the Government, local body or any Panchayat in the circle or under Nyaya Panchayat;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if he has been dismissed from service under the Government or a local authority for misconduct or any other reason;

(e) if he has been sentenced by a criminal court to imprisonment for any offence involving moral turpitude, such offence not having been pardoned.

(2) A person shall be disqualified for being a member of a Nyaya Panchayat if he fails to reside for the prescribed period within the jurisdiction of the Panchayat which elected him, or in the case of a co-opted or nominated member within the circle.

(3) If any question arises as to whether a member of a Nyaya Panchayat has become subject to any of the disqualifications mentioned in sub-section (1) or sub-section (2), the question shall be referred to the prescribed authority whose decision shall be final.

8. Vacation of seat. — (1) If a member of a Nyaya Panchayat —

(a) becomes subject to any of the disqualifications mentioned in sub-section (1) or sub-section (2) of section 7; or

(b) resigns his seat by writing under his hand addressed to the Chairman and on the resignation being accepted by the Chairman, his seat shall become vacant.

(2) Where a member of a Panchayat is elected or co-opted, or nominated to be a member of a Nyaya Panchayat, his seat in the Panchayat shall thereupon become vacant.

9. Term of office of members of Nyaya Panchayat.

— (1) As nearly as possible, one-third of the members shall retire, as soon as may be, on the expiration of every second year in accordance with such rules as may be made in this behalf.

(2) A person retiring under the provisions of sub-section (1) shall be eligible for re-election or for being co-opted or nominated again.

10. Oath to be taken by members of Nyaya Panchayat. — (1) Every member shall, before assuming office, make and subscribe, before such authority as may be specified by the Government in this behalf, an oath according to the form set out for the purpose in the First Schedule.

(2) If any member fails to make the prescribed oath of office within three months from the date fixed by the prescribed authority, his seat shall be declared to have become vacant by the prescribed authority.

11. Chairman and Vice-Chairman. — (1) The members shall elect in the prescribed manner one from among themselves to be the Chairman of the Nyaya Panchayat and another to be its Vice-Chairman.

(2) If a Nyaya Panchayat fails to elect a Chairman or Vice-Chairman as required by sub-section (1), the prescribed authority may appoint any of the members as Chairman or Vice-Chairman, as the case may be, and such person shall be deemed to have been duly elected as the Chairman or the Vice-Chairman respectively.

(3) Every election or appointment of Chairman or Vice-Chairman and every election, co-option or nomination of a member shall be published in the Official Gazette.

12. Duties of Chairman and Vice-Chairman. —

(1) The Chairman, and in his absence, the Vice-Chairman, shall preside over every sitting of the Nyaya Panchayat.

(2) In the absence of the Chairman and Vice-Chairman, the members present may choose a member from amongst themselves to preside over any sitting of the Nyaya Panchayat.

(3) The Chairman and Vice-Chairman shall perform such other functions as are specified in this Act or as may be prescribed.

13. Vacation of office of Chairman and Vice-Chairman. — A Chairman or Vice-Chairman —

(a) shall vacate his office if he ceases to be a member of the Nyaya Panchayat;

(b) may, at any time, by writing under his hand addressed to the prescribed authority, resign his office and the resignation shall take effect from the date of its acceptance by the said authority;

(c) may be removed from office by a resolution of the Nyaya Panchayat passed by a majority of not less than three fourths of the then total members of the Nyaya Panchayat at a meeting specially convened for the purpose.

14. Casual vacancies.—Any casual vacancy among the members of a Nyaya Panchayat shall be filled in the same manner as a regular vacancy, but the term of office of a member so chosen shall be the residue of the term of the person in whose vacancy he has been chosen.

15. Secretary of a Nyaya Panchayat.—(1) The Collector shall appoint a Secretary of any of the Panchayats in the circle to be the Secretary of the Nyaya Panchayat concerned as he deems fit.

(2) A Secretary of a Nyaya Panchayat shall assist the Nyaya Panchayat in the performance of its functions under this Act and shall perform such other functions as may be prescribed.

CHAPTER III

Civil and Criminal Jurisdiction of Nyaya Panchayats

16. Functions of a Nyaya Panchayat.—A Nyaya Panchayat shall try civil and criminal cases of the nature specified in this Chapter.

A — Civil Jurisdiction

17. Suits triable by Nyaya Panchayats.—(1) The following suits are triable by a Nyaya Panchayat if the amount or value of the subject-matter of the dispute in each case does not exceed rupees two hundred and fifty, namely:—

- (a) suits for money due on contracts;
- (b) suits for the recovery of any movable property or the value thereof;
- (c) suits for compensation for wrongfully taking or injuring any movable property;
- (d) suits for damage by cattle trespass.

(2) Notwithstanding anything contained in sub-section (1), the Government may, by notification in the Official Gazette, declare that Nyaya Panchayats in the Union territory or any part thereof may try all or any of the suits of the nature mentioned in that sub-section, the amount of value of the subject-matter of the dispute wherein exceeds rupees two hundred and fifty but does not exceed rupees five hundred.

18. Suits not triable by Nyaya Panchayats.—Notwithstanding anything contained in section 17, the following suits are not triable by Nyaya Panchayats, namely:—

- (a) suits on a balance of partnership account;
- (b) suits for a share or part of a share under an intestacy or for a legacy or part of a legacy under a will;
- (c) suits for the recovery of rent of any immovable property;
- (d) suits for foreclosure, sale or redemption in the case of a mortgage of, or charge upon, immovable property or for the declaration of any other right to, or interest in, immovable property;
- (e) suits by or against minor or persons of unsound mind;

(f) suits by or againsts the Central Government or the Government of Goa, Daman and Diu or a local authority or a public servant in his official capacity;

(g) suits the cognizance of which by civil courts is barred under any law for the time being in force.

19. Place of suing.—Every suit under this Act shall be instituted before the Nyaya Panchayat of the circle in which the defendant or any of the defendants where there are more than one at the time of the commencement of the suit actually and voluntarily resides or carries on business or personally works for gain.

20. Suits not to be entertained when matter in issue is pending or has been decided in another Nyaya Panchayat or court.—No Nyaya Panchayat shall try any suit in respect of any matter which is pending for decision in, or has been heard and decided by, another Nyaya Panchayat or a court of competent jurisdiction in a former suit between the same parties or those under whom they claim.

21. Incidental determination of questions as to title to immovable property, etc. not binding in other actions.—If in the decision of a suit it becomes necessary to decide incidentally any question as to title to any immovable property, or the legal character, of either of the parties to the suit or of the existence of any contract or obligation, the Nyaya Panchayat may decide such question, but any such decision shall not be evidence of such title, legal character, contract or obligation in any other action.

22. Limitation.—Every suit of the nature referred to in section 17 instituted before a Nyaya Panchayat after the expiry of the period specified in respect thereof in the table below shall be dismissed although limitation has not been set up as a defence.

TABLE

Description of suit	Period of limitation	Time from which period begins to run
1. For money due on contract.	Three years	When the money became due to the plaintiff.
2. For the recovery of movable property or the value thereof.	Three years	When the plaintiff became entitled to the delivery of the movable property.
3. For compensation for wrongfully taking or injuring any movable property.	Three years	When the movable property was wrongfully taken or when injury was done to it.
4. For damage by cattle trespass.	Three years	When the damage was caused by the cattle trespass.

B — Criminal Jurisdiction

23. Offences cognizable by Nyaya Panchayats.—(1) The offences specified in the Second Schedule are cognizable by a Nyaya Panchayat if committed within the local limits of its jurisdiction.

(2) If the Government is of opinion that any offence not specified in the Second Schedule is of such a nature that it may be tried by Nyaya Panchayats or that any offence so specified should cease to be triable by them, it may, by notification in the Official Gazette, amend the Second Schedule, and with

effect from the date of such notification, any offence added to, or removed from the Second Schedule shall become cognizable or, as the case may be, cease to be cognizable by Nyaya Panchayats.

(3) Any notification issued under sub-section (2) shall not affect the trial of any criminal proceeding pending before a Nyaya Panchayat on the date of the notification and such proceeding may be disposed of by the Nyaya Panchayat as if the notification had not been issued.

(4) Every offence cognizable by Nyaya Panchayat shall be compoundable.

24. Offences which may not be tried by Nyaya Panchayats. — Notwithstanding anything contained in section 23, no Nyaya Panchayat shall take cognizance —

(1) of any offence of theft punishable under section 379 of the Indian Penal Code (Central Act 45 of 1860) in any case where the accused, —

(a) has been previously convicted of an offence punishable under Chapter XVII of that Code with imprisonment of either description for a term of three years or upwards; or

(b) has been previously fined by any Nyaya Panchayat for theft or dishonestly receiving stolen property; or

(c) has been ordered to execute a bond for his good behaviour in proceedings instituted under section 109 or section 110 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974); or

(2) of any offence under the Indian Penal Code (Central Act 45 of 1860) in any case where either the complainant or the accused is a public servant or a member of the Nyaya Panchayat.

25. Place of trial. — (1) Every offence shall ordinarily be enquired into and tried by the Nyaya Panchayat within the local limits of whose jurisdiction it was committed.

(2) Notwithstanding anything contained in sub-section (1), rules made in this behalf may provide for the determination of the jurisdiction of Nyaya Panchayats in cases where it is uncertain in which of several circles an offence was committed or by which Nyaya Panchayat an offence is to be tried.

26. Persons convicted or acquitted not to be tried again for the same offence. — No Nyaya Panchayat shall try a person for an offence where he has already been tried by a court of competent jurisdiction or another Nyaya Panchayat and convicted or acquitted of that offence, while such conviction or acquittal remains in force.

27. Limitation on powers of punishment of Nyaya Panchayats. — A Nyaya Panchayat may impose on any person convicted by it of an offence cognizable by it any sentence of fine not exceeding rupees fifty, but it shall not be competent for a Nyaya Panchayat to impose on any person convicted by it a sentence of imprisonment, either substantively or in default of payment of fine.

28. Power to let off offender after admonition. — When any person is found guilty of an offence under

this Act, the Nyaya Panchayat finding him guilty may, having regard to the circumstances of the case, including the nature of the offence and the character or antecedents of the offender, if it thinks it expedient to do so, instead of imposing any sentence of fine on the offender, let him off after due admonition.

29. Compensation for false, frivolous or vexatious complaints. — If a Nyaya Panchayat is satisfied, after such inquiry as it thinks fit to make, that a complaint brought before it is false, frivolous or vexatious, it may order the complainant to pay to the accused such compensation not exceeding rupees ten as it thinks fit.

CHAPTER IV

Procedure

30. Benches of Nyaya Panchayats. — (1) Subject to such rules as may be made in this behalf, a Nyaya Panchayat may discharge its functions under this Act through Benches constituted by the Chairman from amongst its members, each Bench consisting of not less than three members.

(2) Every such Bench shall, as far as practicable, include a member from the village in which each party to a proceeding before the Nyaya Panchayat ordinarily resides.

31. Procedure in civil and criminal cases. — (1) In the trial of any suit or criminal proceeding before it, the Nyaya Panchayat shall, in general, be guided by the principles of natural justice, that is to say, —

(i) if a claim is made against any person or any person is accused of any offence, that person shall be informed, as soon as may be, of the claim or the grounds of the accusation, as the case may be;

(ii) every such person shall be given a reasonable opportunity of being heard in the matter before any decision is arrived at.

(2) In particular, a Nyaya Panchayat shall —

(a) in the trial of suits, follow the procedure specified in the Third Schedule; and

(b) in the trial of offences, follow the procedure specified in the Fourth Schedule.

32. Disqualifications for trying case. — (1) A member of a Nyaya Panchayat, who is directly and personally interested in any suit or criminal proceeding pending before it, shall be disqualified from trying that case.

(2) If a party to a suit or criminal proceeding before a Nyaya Panchayat objects to any member thereof on the ground that he is directly and personally interested in the suit or proceeding, and the member does not thereupon withdraw from the Nyaya Panchayat, the grounds of objection and the reason for the continuance of the member shall be recorded.

33. Nyaya Panchayat to sit in public. — The place in which a Nyaya Panchayat holds its sittings shall be deemed to be a place to which the public may have access.

34. Power of Nyaya Panchayat to regulate its own procedure in certain matters. — Subject to the

other provisions contained in this Act and any rules made thereunder a Nyaya Panchayat shall have power to regulate its own procedure, including the fixing of the places and times of its sittings.

35. Duty of Nyaya Panchayat to effect settlement wherever possible.— (1) In every proceeding coming before it, it shall be the duty of a Nyaya Panchayat in the first instance to make every endeavour to bring about an amicable settlement between the parties.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Nyaya Panchayat may for the purpose of bringing about such settlement, adjourn the proceeding and refer the matter to any person or persons nominated by the parties in this behalf with directions to report to the Nyaya Panchayat within a time to be specified by it as to whether a settlement can be, and has been, effected, and shall dispose of the proceeding conformably to such report.

36. Legal practitioners excluded from appearance before a Nyaya Panchayat.— No legal practitioner shall be permitted to appear on behalf of any party in any proceeding before a Nyaya Panchayat.

37. Appearance by agent.— Notwithstanding anything contained in section 36, a party to a proceeding may in writing authorise a servant, relation or dependant, not being a legal practitioner, to appear and plead for him before the Nyaya Panchayat.

38. Difficult cases may be referred by Nyaya Panchayats to District Court or Court of Sessions.— (1) When any Nyaya Panchayat is of opinion that any suit or criminal proceeding before it is so difficult or important that it ought to be tried by a court or that the accused in the criminal proceeding ought to receive a punishment different in kind from or more severe than that which the Nyaya Panchayat is empowered to inflict, it shall stay the suit or criminal proceeding and refer the matter to the District Court or the Court of Session, as the case may be, for orders.

(2) The District Court or the Court of Session, after considering the case, may direct that the suit or criminal proceeding may be transferred for trial to such civil or criminal court as it may specify in this behalf, or may return the suit or criminal proceeding to the Nyaya Panchayat with suitable directions for trial.

39. Certain laws not to apply to Nyaya Panchayats.— (1) The provisions of the Code of Civil procedure, 1908 (Central Act 5 of 1908), as in force in the Union territory shall not apply to any suit before a Nyaya Panchayat.

(2) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), as in force in the Union territory, shall not apply to any criminal proceeding before a Nyaya Panchayat.

(3) Nothing in the Court Fees Act, 1870 (Central Act 7 of 1870), or the Indian Evidence Act, 1872 (Central Act 1 of 1872), as in force in the Union territory shall apply to any proceeding before a Nyaya Panchayat.

CHAPTER V

Judicial Control of Nyaya Panchayats

40. Power to transfer criminal proceedings.— (1) If it is made to appear to the Court of Session that in the interests of justice it is necessary so to do, it may on application made to it in this behalf transfer any criminal proceeding pending before a Nyaya Panchayat to another Nyaya Panchayat or to a court subordinate to it.

(2) Where any application made under sub-section (1) is dismissed, the Court of Session may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who had opposed the application such sum not exceeding one hundred rupees as it may consider proper in the circumstances of the case.

41. Revision in civil cases.— The District Court may, at any time, on its own motion or on an application made by an aggrieved person within sixty days of the passing of any decree in a civil suit by a Nyaya Panchayat, call for and examine the record of the case for the purpose of satisfying itself as to the correctness, legality or propriety of the decree, and may, after giving a reasonable opportunity to the parties to be heard, pass such order thereon as the District Court thinks fit.

42. Revision in criminal cases.— The Court of Session may, at any time on its own motion or on an application made by an aggrieved person within sixty days of the passing of any order in a criminal case by a Nyaya Panchayat, call for and examine the record of the case for the purpose of satisfying itself as to the correctness, legality or propriety of the order or sentence and may, after giving a reasonable opportunity to the parties to be heard, pass such order thereon as the Court of Session thinks fit.

43. Decree, etc. not to be modified if substantial justice has been done.— Notwithstanding anything contained in section 41 or section 42, no decree, order or sentence of a Nyaya Panchayat shall be varied or revised merely on the ground of some irregularity or illegality, if in the opinion of the District Court or, as the case may be, the Court of Session, substantial justice has been done to the parties by the Nyaya Panchayat.

44. Power to stay further proceedings.— The District Court or the Court of Session may, pending the disposal of any proceeding before it under this Act, direct that—

(i) the execution of any decree be stayed; or

(ii) further proceeding in respect of any criminal proceedings be stayed or the execution of any sentence be suspended.

45. Order in revision to be final.— Any order passed in revision under the provisions of this Chapter shall be final and no further application for revision or review thereof shall lie.

46. Finality of decrees, etc. of Nyaya Panchayats.— Except as provided in this Chapter, every decree, order or sentence of a Nyaya Panchayat shall be final.

CHAPTER VI

Miscellaneous

47. Jurisdiction of Nyaya Panchayat to be exclusive.— Except as provided in this Act, no civil or criminal court shall try any suit or take cognizance of any offence which is triable by a Nyaya Panchayat.

48. Report from Nyaya Panchayat in maintenance cases.— (1) Any magistrate making an inquiry under section 125 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), may require from the Nyaya Panchayat in whose circle the wife, child, husband or parent resides, a report as to the amount of maintenance which, having regard to the circumstances of the parties, should be made payable, and such report shall be evidence in such inquiry.

(2) No member of a Nyaya Panchayat shall be required to attend as a witness touching matter on which the report itself is evidence, but the magistrate may call for a further report.

49. Proceeding not to be invalidated by reason of absence of some members.— (1) Subject to the rules, if any, as respects quorum, a Nyaya Panchayat may try any civil suit or criminal proceeding notwithstanding the absence of any member.

(2) No proceeding before a Nyaya Panchayat shall be deemed to be invalid by reason merely that all the members of the Nyaya Panchayat or bench thereof, as the case may be, were not present at any hearing of the proceeding or that some of the members were not present at all the hearings.

50. Decision of Nyaya Panchayats to be by majority.— Any decision of a Nyaya Panchayat, if it is not unanimous, shall be in accordance with the opinion of the majority, and where the members are equally divided in their opinion, the person presiding shall have a second or casting vote.

51. Nyaya Panchayat to have no power to alter decision, etc.— A Nyaya Panchayat shall have no power to cancel, revise or alter any order passed by it, but clerical and arithmetical mistakes in any order or any decree arising therefrom due to any accidental slip or omission may at any time be corrected by the Nyaya Panchayat either on its own motion or on the application of any of the parties.

52. Records of Nyaya Panchayats to be open to inspection.— Subject to such rules as may be made in this behalf and to the payment of the prescribed fee, the records of Nyaya Panchayat shall be open to inspection by, and certified copies thereof shall be given to, such person as may apply for the same.

53. Inspection of Nyaya Panchayats and training members thereof.— (1) The Government may authorise, in consultation with the Judicial Commissioner, any judicial officer or may appoint a special officer for the inspection of Nyaya Panchayats and for the purpose of guiding and training the members in the performance of their duties.

(2) Any report of such judicial or special officer shall be submitted to the prescribed authority.

54. Members of Nyaya Panchayats etc. to be public servants.— Every member of a Nyaya Pan-

chayat and every person employed in the discharge of any of the duties or in the exercise of any of the powers vested in a Nyaya Panchayat under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

55. Conviction by Nyaya Panchayat not to be a previous conviction for certain purposes.— A conviction by a Nyaya Panchayat under this Act shall not be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code (Central Act 45 of 1860) or section 356 or section 360 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

56. Removal of members in certain cases.— (1) If, in the opinion of the prescribed authority, a member—

(a) has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct; or

(b) has absented himself without lawful excuse from meetings of a Nyaya Panchayat so as to render his continuance in office undesirable or has otherwise neglected or refused to perform, or has become incapable of performing any of the duties as a member; or

(c) has rendered himself unfit to perform the duties of his office by reason of his active association with any political party or with any religious, racial, linguistic, caste or communal group; or

(d) should be removed from office for any other reason in the public interest;

the prescribed authority may, after giving the member an opportunity of being heard and after such inquiry as it thinks fit to make, remove him from membership.

(2) Pending such inquiry, the member may be suspended from office for such period as the prescribed authority thinks fit.

(3) A member removed from office under this section shall be disqualified from being chosen as a member of any Nyaya Panchayat for such period as the prescribed authority may, in the order of removal or in any subsequent order passed in this behalf, specify.

57. Power to dissolve Nyaya Panchayat.— (1) If, in the opinion of the Government, a Nyaya Panchayat has abused its powers or has made persistent default in the performance of its duties or is for any other reason unable to discharge its functions, the Government may, after giving a Nyaya Panchayat an opportunity of furnishing an explanation, by order notified in the Official Gazette, dissolve the Nyaya Panchayat.

(2) Where a Nyaya Panchayat is dissolved, all the members thereof shall from the date of the order, be deemed to have vacated their offices.

(3) Where a Nyaya Panchayat is dissolved under this section, a new Nyaya Panchayat shall be established as soon as practicable in the manner provided in this Act.

58. Power to delegate.— The Government may, by notification in the Official Gazette, direct that any of the powers which may be exercised by it under

this Act, except the power to make rules, may also be exercised by such officer subordinate to the Government and subject to such conditions as may be specified in the notification.

59. Power to modify certain provisions of Act. — Notwithstanding anything contained in this Act, if the Government is of opinion that, having regard to the conditions prevailing in any area, it is necessary or expedient so to do, it may, by notification in the Official Gazette, declare that clause (a) of sub-section (2) of section 4 or clause (c) of section 6 shall not apply thereto or shall apply thereto with such modification as may be specified in the notification.

60. Protection of persons acting under Act. — No suit or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

61. Power to make rules. — (1) Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(i) the manner in which any election under this Act may be held and disputes relating thereto settled;

(ii) the manner in which members shall periodically retire and their places filled, whether by election or co-option, as the case may be;

(iii) the manner in which and the authority by which questions relating to disqualifications of members may be decided;

(iv) the authority before which members shall take the oath of office, and the allowances, if any, payable to members;

(v) the manner in which the Chairman and Vice-Chairman of Nyaya Panchayats are to be elected and their powers and duties;

(vi) the conditions of service of the Secretary and other staff of a Nyaya Panchayat;

(vii) the determination of the jurisdiction of Nyaya Panchayats in cases where the place of offence is uncertain or where the offence is uncertain, or where the offence is a continuing one or consists of several acts;

(viii) the manner in which and the conditions subject to which Benches of Nyaya Panchayats may be formed;

(ix) the manner in which any process issued by the Nyaya Panchayat may be served;

(x) the procedure to be followed by Nyaya Panchayats in respect of matters within their jurisdiction;

(xi) the manner in which any decree or order passed by a Nyaya Panchayat may be executed by way of distraint and sale and the properties exempt from distraint;

(xii) the records and registers to be maintained by Nyaya Panchayat and the manner in which they shall be maintained;

(xiii) the manner in which and the fees subject to the payment of which records of Nyaya Panchayats may be inspected and certified copies obtained;

(xiv) the manner in which the working of Nyaya Panchayats may be inspected and the instruction or training given to members;

(xv) the authority by which and the manner in which a member may be removed from office and appeals from such order of removal;

(xvi) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of the Union territory while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or resolves that the rule shall be annulled, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE FIRST SCHEDULE

Form of Oath

(See section 10)

I, A.B., having been elected
co-opted
nominated

to be a member of the Nyaya Panchayat of ... do swear in the name of God

that I will conscientiously and solemnly affirm faithfully and to the best of my ability, knowledge and judgment perform the duties of my office in accordance with law without fear or favour, affection or ill-will.

THE SECOND SCHEDULE

Offences cognizable by Nyaya Panchayats

(See section 23)

A — Offences under the Indian Penal Code
(Central Act 45 of 1860)

Explanatory Note. — The entries in the first column below are not intended as definitions of the offences dealt with in sections of the Indian Penal Code (Central Act 45 of 1860) specified in the corresponding entry in the second column below or even as abstracts of those sections but merely as convenient references to the subject matter of the section.

Offence	Section
Committing affray	160
Abseonding to avoid service of summons notice or other proceeding	172
Not obeying a legal order to attend at a certain place in person or by agent or departing therefrom without authority ...	174
Intentionally omitting to produce a document by a person legally bound to produce or deliver such documents	175
Refusing oath when duly required to take it	178
Being legally bound to state truth and refusing to answer questions	179
Refusing to sign a statement when legally required to do so	180
Defilling the water of a public spring or reservoir	277
Making atmosphere noxious to health ...	278
Causing danger, obstruction or injury in any public way or line or navigation	283
Omitting to take order with any animal so as to guard against danger to human life or of grievous hurt from such animal ...	289
Committing a public nuisance	290
Obscene acts and songs	294
Voluntarily causing hurt	323

Offence	Section
Voluntarily causing hurt on grave and sudden provocation not intending to hurt any person other than the person who gave the provocation	334
Wrongfully restraining any person	341
Assault or use of criminal force otherwise than on grave and sudden provocation	352
Assault or criminal force on grave and sudden provocation	358
Theft	379
Dishonestly receiving or retaining stolen property knowing it to be stolen	411
Mischief, where the damage or loss caused amounts to less than Rs. 50/-	426
Mischief by killing, poisoning, maiming or rendering useless any animal of the value of less than Rs. 50/-	428
Criminal trespass	447
Criminal intimidation	506
(first part)	
Appearing in a public place etc. in a state of intoxication and causing annoyance to persons	510

Explanation I.—The offences specified against sections 172, 174, 175, 178, 179 and 180 shall be triable by Nyaya Panchayat only if they have been committed in relation to a Nyaya Panchayat or Panchayat.

Explanation II.—The offences specified against sections 379 and 411 shall be triable by Nyaya Panchayats only if the value of the stolen property does not exceed rupees fifty.

Explanation III.—The offences specified in this list shall include abetments of, and attempts to commit, such offences.

B—Offences under other Acts

CENTRAL ACTS

The Police Act, 1861 (Central Act 5 of 1861), section 34.

The Public Gambling Act, 1867 (Central Act 3 of 1867) sections 3 and 4.

The Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960), sections 11 and 26.

THE THIRD SCHEDULE

Procedure for the trial of suits

[See section 31(2)(a)]

1. Institution of suits.—Any person wishing to institute a suit under this Act may make an application in that behalf in writing or orally to the Chairman or the Vice-Chairman of the Nyaya Panchayat of the circle in which the defendant, or any of the defendants, where there are more than one, ordinarily resides or carries on business or personally works for gain at the time of the commencement of the suit.

2. Suit instituted orally.—Where an application for the institution of a suit is made orally, the Chairman or the Vice-Chairman, as the case may be, shall cause the substance of the application to be recorded without delay and get the document signed by the plaintiff.

3. Plaintiff may forego claim to bring suit within jurisdiction.—A plaintiff may relinquish any portion of his claim in order to bring his suit within the jurisdiction of the Nyaya Panchayat.

4. Fees in suits.—(1) In respect of every suit instituted under this Act, the following fees shall be payable:—

TABLE OF FEES

Value of Claim	Court fee to be paid
Upto Rs. 50/-	Re. 1/-
Exceeding Rs. 50/- but not exceeding Rs. 100/-	Rs. 2/-
Exceeding Rs. 100/- but not exceeding Rs. 200/-	Rs. 4/-
Exceeding Rs. 200/- but not exceeding Rs. 300/-	Rs. 6/-
Exceeding Rs. 300/- but not exceeding Rs. 400/-	Rs. 8/-
Exceeding Rs. 400/- but not exceeding Rs. 500/-	Rs. 10/-

(2) The fees shall be paid in the form of court fee stamps, and, if court fee stamps are not available in the village where the Nyaya Panchayat sits, it may be paid in cash.

5. Registration of suits.—Every suit instituted under this Act shall be recorded without delay in a register of suits to be maintained in such form and in such manner as may be prescribed.

6. Suits beyond jurisdiction.—If at any time it appears to the Nyaya Panchayat that it has no jurisdiction to try a suit, it shall direct the plaintiff by order in writing to file his suit in the proper court.

7. Power to determine necessary parties.—(1) The Nyaya Panchayat shall add as parties to a suit any person or persons whose presence as such party or parties it considers necessary for a proper decision thereof, and the suit shall be tried as between the parties whose names are so added:

Provided that when any party is added, notice shall be given to him and he shall be given an opportunity of appearing before the trial of the suit is proceeded with.

(2) In all cases where a new party appears under the proviso to sub-paragraph (1), during the trial of a suit, he may require that the trial shall begin *de novo*.

(3) If the plaintiff or defendant in any suit dies before it has been finally decided and the right to sue still survives the suit shall be proceeded with at the instance of, or against, the legal representatives of the deceased plaintiff or deceased defendant, as the case may be, provided that an application in this behalf has been presented to the Nyaya Panchayat within thirty days of the death or within such further period as the Nyaya Panchayat may for sufficient cause allow.

8. Issue of summons.—When a suit has been duly instituted, the Nyaya Panchayat may cause a written summons in the prescribed form to be served on the defendant requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff to attend and produce his evidence at such time and place.

9. Summons how to be served.—Subject to the provisions contained in paragraph 11, every summons issued under paragraph 8 shall be served in such manner as may be prescribed personally on the defendant whose signature shall be taken in token of service.

10. Substituted service.—If the defendant cannot be found and the Nyaya Panchayat is satisfied that he is evading service or if he refuses to take the summons, the Nyaya Panchayat may order service to be made on an adult male member of his family residing with him or by affixing a copy thereof upon some conspicuous portion of the house in which he ordinarily resides.

11. Service when defendant is outside jurisdiction.—(1) If a defendant is at the time of the issue of the summons outside the circle for which the Nyaya Panchayat is established, the summons may be served by registered post addressed to the defendant at the place where the defendant for the time being resides.

(2) An acknowledgement purporting to be signed by the defendant or an endorsement by a postal employee to the effect that the defendant refused to take delivery may be deemed to be *prima facie* proof of service.

12. Disposal of suit when plaintiff fails to appear.—If the plaintiff fails to appear on the date fixed for hearing or, if in the opinion of the Nyaya Panchayat, he shows negligence in prosecuting his suit, the Nyaya Panchayat may dismiss the suit unless the defendant admits all or any part of the claim, in which case the suit shall be decreed accordingly.

13. Restoration of suit dismissed for default of plaintiff.—Any suit dismissed under paragraph 12, may, on an application made by the plaintiff within fifteen days of such dismissal, and on payment of rupee one, be restored, if the plaintiff satisfies the Nyaya Panchayat that he was prevented by any sufficient cause from appearing or that he was not guilty of any negligence in prosecuting his suit.

14. Disposal of suit when defendant fails to appear.—If the defendant fails to appear and Nyaya Panchayat is satisfied that he has received notice of the date fixed for the hearing or that he is intentionally evading service, the Nyaya Panchayat may proceed *ex parte*.

15. **Re-opening of ex-parte decrees.**—(1) Any decree passed *ex parte* against a defendant may, on an application made by the defendant to the Nyaya Panchayat by which the decree was passed within fifteen days from the date of the decree, or, when the summons was not duly served, within fifteen days from the date the defendant had knowledge of the decree, and on payment of rupee one in either case, be set aside if he satisfies the Nyaya Panchayat that the summons was not duly served or that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, and the Nyaya Panchayat shall then appoint a day for proceeding with the suit.

(2) No decree shall be set aside on any such application as aforesaid unless notice thereof has been served on the opposite party.

16. **Compromise of suits.**—A suit may be disposed of wholly or in part on the basis of an oath or by any legal agreement, settlement, compromise or satisfaction between the parties, and in any such case, the Nyaya Panchayat shall order the agreement, settlement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith in so far as it relates to the suit.

17. **Suits to be disposed of expeditiously.**—Where a suit has not been disposed of under paragraph 16, it shall be the duty of the Nyaya Panchayat to try the suit as expeditiously as possible, but when, in its opinion, it is unavoidable or necessary to a just and equitable decision of the suit, it shall have power to adjourn the hearing from time to time.

18. **Power to summon witnesses.**—(1) At the hearing of any suit, the parties shall produce their own witnesses, but for the proper disposal thereof, a Nyaya Panchayat may, subject to such rules as may be made under this Act, have power to issue summons, to require the attendance of any person either to give evidence or to produce a document, to enter upon any land, or to do such other act as it may consider necessary.

(2) Any person receiving a summon or other process mentioned in sub-paragraph (1) shall be bound to comply with the same.

19. **Exemption from personal appearance.**—No woman who is not accustomed to appear in public and no person who is exempted from personal appearance in any court under section 133 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall be required to appear before a Nyaya Panchayat in person, but their statements may be obtained in such manner as may be prescribed and on payment of the prescribed fee.

20. **Evidence to be on oath and a brief memorandum to be kept.**—Evidence given orally before the Nyaya Panchayat shall be on oath, and a brief memorandum of the substance of what each person deposes shall be written and kept as part of the record in the prescribed manner.

21. **Decision on suit.**—The Nyaya Panchayat shall have power to ascertain the facts of every case by all lawful means in its power, and, when all the facts have been ascertained, the parties heard and the evidence considered, the Nyaya Panchayat shall pass such order in writing as may seem just and equitable, and such order shall state the finding and a brief statement of the reasons therefor.

22. **Interest on decretal amounts and payment by instalments.**—In suits for money, a Nyaya Panchayat may direct payment of interest on the sum decreed at a rate not exceeding six per cent per annum from the date of the decree until the date of payment, and may also direct that the decretal amount be paid in instalments.

23. **Authentication of decrees, orders, etc.**—All orders and decrees shall be dated on the day on which they are passed, and the decree and orders and all receipts and copies issued by it shall be authenticated by the Nyaya Panchayat in such manner as may be prescribed.

24. **Satisfaction or adjustment of decree to be recorded.**—If on the application of the decree-holder or judgement-debtor, the Nyaya Panchayat after inquiry, finds that the decree has been satisfied or adjusted, whether wholly or in part, the Nyaya Panchayat shall record such satisfaction or adjustment in the prescribed register.

25. **Execution of decree for money.**—(1) If a decree for money remains unsatisfied for one month after the due date or any amount payable under it remains unpaid for one

month after the date when it fell due, and the decree-holder applies to the Nyaya Panchayat for execution within one year from such date paying the prescribed fee, the Nyaya Panchayat shall recover the same by distraint and sale of the defaulter's movable property.

(2) The power of distraint and sale shall be subject to such rules as may be made with respect to properties exempt from attachment, the manner of its exercise and other matters relevant thereto.

(3) If, after such distraint and sale the amount of the decree is not fully recovered the Nyaya Panchayat shall forward the same in the manner prescribed to the Civil Judge having jurisdiction who shall thereupon execute the decree as if it were a decree or order passed by himself.

26. **Execution of decrees for specific movable property.**—If a decree for the delivery of any specific movable property remains unsatisfied for one month after the due date and the decree-holder applies to the Nyaya Panchayat for execution within one year from such date paying the prescribed fee, the Nyaya Panchayat may enforce the decree by the actual seizure of the property and its delivery to the decree-holder or if the seizure is not practicable, have it executed by enforcing payment of the sum decreed as an alternative in the manner provided in paragraph 25.

THE FOURTH SCHEDULE

Procedure for the trial of offences

[See section 31(2)(b)]

1. **Complaints in criminal proceedings.**—Any person wishing to institute a criminal proceeding before a Nyaya Panchayat may make a complaint orally or in writing to the Chairman or Vice-Chairman of the Nyaya Panchayat of the circle in which the offence has been committed.

2. **Complaints made orally.**—When a complaint is made orally, the Chairman or Vice-Chairman, as the case may be, shall draw up a statement recording the name of the complainant, the name of the person against whom the complaint is made, the nature of the offence and such other particulars as may be prescribed and the signature of the complainant shall be taken thereon.

3. **Fee on complaints.**—(1) On every complaint a fee of one rupee shall be payable.

(2) The fee shall be paid in the form of court fee stamp and if court fee stamps are not available in the village where the Nyaya Panchayat sits, it may be paid in cash.

4. **Register of complaints.**—Every complaint made under this Act shall be recorded without delay in a register to be maintained in such form and in such manner as may be prescribed.

5. **Complaints beyond jurisdiction.**—If at any time it appears to the Nyaya Panchayat that it has no jurisdiction to try the offence or that there is no sufficient ground for proceeding with the complaint, it shall dismiss the complaint.

6. **Issue of summons.**—The Nyaya Panchayat may, after examining the complaint and after such further inquiry, if any, as it thinks fit to make, cause a written summons in the prescribed form to be served on the accused requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the complainant to attend and produce his evidence at such time and place.

7. **Service of summons.**—Every summons issued under paragraph 6 shall be served in such manner as may be prescribed personally on the accused whose signature shall be taken in token of service.

8. **Dismissal of complaint for want of prosecution.**—If the complainant fails to appear on the date fixed for hearing or, in the opinion of the Nyaya Panchayat he has shown negligence in prosecuting the complaint, the Nyaya Panchayat may dismiss the complaint.

9. **Restoration of complaint.**—If the complainant satisfies the Nyaya Panchayat that his absence was due to some unavoidable cause and that he could not notify the Nyaya Panchayat thereof in time or that he was not negligent, the Nyaya Panchayat may restore the proceedings, but no such restoration shall be made without giving notice to the accused

if the order for dismissal had been passed after the appearance of the accused before the Nyaya Panchayat.

10. Procedure where accused cannot be found or fails to appear. — If the accused cannot be found or fails to appear on the date fixed for hearing, the Nyaya Panchayat shall report the fact to the nearest magistrate.

11. Magistrate to secure attendance of accused before Nyaya Panchayat. — (1) The magistrate shall thereupon issue a warrant for the arrest of the accused and shall direct, by endorsement on warrant, that if such person executes a bond with sufficient sureties for his attendance before himself in the manner provided by section 71 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), he shall be released from custody.

(2) When the accused appears before the magistrate he shall direct him to execute a bond with or without sureties to appear before the Nyaya Panchayat on such date as he may direct and thereafter to continue to appear before the Nyaya Panchayat as directed by it.

(3) On his failure to execute such bond, the magistrate shall order that the accused be produced in custody before the Nyaya Panchayat on such date as he may direct.

12. Procedure where accused fails to appear even after executing bond. — If the accused fails to appear before the Nyaya Panchayat after executing a bond under sub-paragraph (2) of paragraph 11, the Nyaya Panchayat shall report the fact to the magistrate before whom the bond was executed and such magistrate shall proceed in accordance with the provisions of sections 445 to 450 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

13. Power to receive evidence. — (1) When a complaint is not compounded, the Nyaya Panchayat shall receive such evidence as may be produced and may call for such further evidence as in its opinion may be necessary for the proper determination of the proceeding or may enter upon any land for inspection or do any other act which it may consider necessary.

(2) Any person receiving a summons or other process shall be bound to comply with the same.

(3) The provisions of paragraph 19 of the Third Schedule regarding exemption from personal appearance shall apply to criminal proceedings as they apply to suits.

14. Procedure in trial. — (1) Evidence given orally by witnesses before the Nyaya Panchayat shall be on oath, and a brief memorandum of the substance of what each person deposes shall be written and kept as part of the record in the prescribed manner.

(2) The Nyaya Panchayat need not frame a formal charge but the plea of the accused and his statement, if any, shall be recorded, but no oath shall be administered to him.

(3) The Nyaya Panchayat shall have power to ascertain the facts of every case by all lawful means in its power and when all the facts have been ascertained the parties heard and the evidence considered, the Nyaya Panchayat shall record its finding, and in the case of a conviction, a brief statement of the reasons therefor and the amount of the fine imposed.

15. Power to direct payment of compensation out of fine. — When a Nyaya Panchayat imposes a fine, it may, when passing the order, direct that the whole or any part of the fine recovered shall be applied in payment of compensation for any loss or injury caused by the offence.

18. False, frivolous, or vexatious complaints. — (1) If a Nyaya Panchayat considers that a complaint is false and either frivolous or vexatious it may call upon the complainant to show cause why he should not pay compensation to the accused.

(2) The Nyaya Panchayat may, after considering any cause which the complainant may show, if it is satisfied that the complaint was false, frivolous or vexatious, for reasons to be recorded, direct such compensation not exceeding rupees ten as may be specified by the Nyaya Panchayat shall be paid by the complainant to the accused, and any such compensation may be recovered as if it were a fine imposed by the Nyaya Panchayat.

17. Recovery of fines. — Where a Nyaya Panchayat imposes a fine and such fine is not paid, as required, it shall record

an order specifying the amount of the fine imposed and that it has not been paid and shall forward the same to the nearest magistrate who shall proceed to execute it as if it were an order passed by himself, and such magistrate may sentence the accused to imprisonment in default of payment.

Statement of Objects and Reasons

Gram Panchayats have been established in this territory and there are now 188 Gram Panchayats functioning under the Village Panchayats Regulation, 1962. As an integral part of decentralisation of Administration and for the convenience and benefit of the rural population it is proposed to establish Nyaya Panchayats where elected representatives of the people themselves might dispose of civil suits of limited amount and also dispose of simple criminal offences without coming to the Taluka Headquarters. Provision is made in the Bill for revision both in civil and criminal cases either on the application of the aggrieved party or on its own motion by the Court of Session or District Court, as the case may be.

Financial Memorandum

The establishment of Nyaya Panchayats to try simple civil and criminal cases and also to dispose of suits of limited value will not involve any additional expenditure to the public exchequer. The Chairman, Vice-Chairman and Members of Nyaya Panchayat are to be honorary workers and the Secretaries of any of the Panchayats who is already a Government servant is to be appointed as Secretary for the Nyaya Panchayat. The Nyaya Panchayats will impose fees for the suits brought before them and they would also be competent to impose fines for certain criminal offences and thus they will have their own funds.

The recommendation of the Study Team on Nyaya Panchayats constituted by the Government of India mentioned that even though salary and remuneration may not be paid to Nyaya Panchayats they should be reimbursed in respect of travelling and other out-of-pocket expenses and they should be provided with the basic needs such as requisite stationery, contingency funds etc.

The Nyaya Panchayats can hold their sittings in the Panchayat Ghar as convenient to them without any difficulty. As for T. A. and out-of-pocket allowances there is no provision in the Bill for such payment. Even if T. A. and D. A. are allowed later it can be made only from their own funds without further expenditure to the Government. Regarding Stationery and contingent expenditure it would be possible to meet the same within the existing level of funds now available for giving contributions and donations to Village Panchayats and the quantum can be decided while framing rules.

Memorandum regarding Delegated Legislation

Clause 61 of the Bill enables the Government to frame Rules for carrying out the purposes of the Act. This delegation is of normal character.

Panaji,
13th September, 1974.

Assembly Hall,
Panaji,
18th September, 1974.

A. K. S. USGAONKAR
Minister for Development

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman
and Diu.

LA/B/7/1684/74

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 26th September, 1974 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**The Goa, Daman and Diu Village Panchayats Regulation
(Amendment) Bill, 1974**

(Bill No. 16 of 1974)

**A
BILL**

further to amend the Goa, Daman and Diu Village Panchayats Regulation, 1962.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-fifth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Goa, Daman and Diu Village Panchayats Regulation (Amendment) Act, 1974.

(2) It shall come into force at once.

2. Insertion of new section 21A.— After section 21 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (hereinafter referred to as the "Regulation"), the following section shall be inserted, namely:—

Regulation
9 of 1962

"21A. Allowances to members.—The members of a Panchayat (including its chairman and vice-chairman) may be paid travelling and daily allowances at such rates as may be prescribed for journeys performed by them in relation to any business of the Panchayat."

3. Insertion of new section 23A.— After section 23 of the Regulation, the following section shall be inserted, namely:—

"23A. Power of Collector or other authorised officer to exercise powers of chairman.— Where the offices of both the chairman and vice-chairman are vacant, the Collector, or such other officer as the Collector may authorise in this behalf, shall, pending the election of the chairman, exercise all the powers and perform all the functions and duties of the chairman under this Regulation, but shall not have the right to vote in any meeting of the Panchayat."

4. Insertion of new section 31C.— After section 31B of the Regulation, the following section shall be inserted, namely:—

"31C. Grants-in-aid.— A Panchayat may, by a resolution passed at its meeting and supported by a majority of two-thirds of the total number of its members, give grants-in-aid to any private institution in respect of any of the matters specified in entries (1), (3) and (4) of Item V of the Second Schedule, or in Item VI of the said Schedule:

Provided that no such grant shall be given by the Panchayat out of any contribution made to it by the Government."

5. Amendment of section 39.— In section 39 of the Regulation, in sub-section (1), after clause (g), the following clauses shall be inserted, namely:—

"(g-1) a tax on dogs;

(g-2) a tax on advertisements other than advertisements published in the newspapers;"

6. Amendment of section 65.— In section 65 of the Regulation, in sub-section (2), in clause (p), after the words "fees for licences", the words "and permissions" shall be inserted.

7. Amendment of Second Schedule.— In the Second Schedule to the Regulation, after the main heading, for the brackets, words and figures "(See section 31)", the brackets, words, figures and letter "(See sections 31 and 31C)" shall be substituted.

Statement of Objects and Reasons

The present Bill seeks to amend the existing provisions of the Goa, Daman and Diu Village Panchayats Regulation, 1962. Under the existing provisions of the said Regulation there is no provision for payment of allowances to members of the Panchayat. Further, the Regulation is silent as to who shall preside over the meetings when the offices of both the chairman and vice-chairman are vacant simultaneously. The instant amendment makes a provision for payment of allowances to members and also provides that the Collector or such other officer as the Collector may authorise shall preside over the meeting in the event of both the offices of chairman and vice-chairman becoming vacant simultaneously.

2. The Bill also seeks to empower the Village Panchayats to give grants for the promotion of social, educational and cultural activities.

3. Further, the amendment seeks to empower the Village Panchayats to levy certain taxes and fees in order to augment their resources.

Financial Memorandum

The proposed Amendment involves no financial implications to the Government.

Memorandum regarding Delegated Legislation

Clause 2 of the Bill empowers the Govt. to frame rules prescribing the rates at which travelling and daily allowances may be paid to the members, including Chairman and vice-Chairman, of a Village Panchayat.

Again, clause 6 of the Bill empowers the Government to frame rules prescribing the rates of fees that may be charged by a panchayat for granting permissions under the Act.

This delegation is only for enabling the Government to provide for procedural details and is of normal character.

Panaji,
13th September, 1974.

A. K. S. USGAONKAR
Minister for Development

Assembly Hall,
Panaji,
24th September, 1974.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu

Administrator's recommendation under section 23 of the Government of Union Territories Act, 1963.

In pursuance of section 23 of the Government of Union Territories Act, 1963, the Administrator of the Union territory of Goa, Daman and Diu, has recommended to the Legislative Assembly of Goa, Daman and Diu the introduction and consideration of the Goa, Daman and Diu Village Panchayats Regulation (Amendment) Bill, 1974.

Annexure to Bill No. 16 of 1974

The Goa, Daman and Diu Village Panchayats Regulation (Amendment) Bill, 1974

The Goa, Daman and Diu Village Panchayats Regulation, 1962
(No. 9 of 1962)

39. Taxes which may be imposed. — (1) Subject to the rules made under this Regulation, a Panchayat may levy —

- (a) a tax on the owners or occupiers of buildings;
- (b) a tax on vehicles other than mechanically propelled vehicles kept within the jurisdiction of the Panchayat;
- (c) a lighting tax;
- (d) a drainage tax;
- (e) a pilgrim tax;
- (f) a tax on professions, trades, callings and employments;
- (g) an entertainment tax;
- (h) octroi;
- (i) fees for sale of goods in markets, melas, fairs and festivals;
- (j) fee for grazing of cattle in grazing lands under the management of the Panchayat;
- (k) fees on cart-stands, tonga-stands and other public parking places;
- (l) fee for providing the watch and ward of crops in the village; and
- (m) licence fee for plying of public ferry.

(2) The taxes and fees referred to in sub-section (1) shall be imposed assessed and realised in such manner and at such times as may be prescribed.

65. Power to make rules. — The Lieutenant Governor may, by notification, make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for —

- (a)
-
-
-
- (p) the fees for licences granted under this Regulation;
-
-

(3) All rules made under this Regulation shall be laid on the Table of the Legislative Assembly after they are made and shall be subject to such modifications as the Assembly may make during the Session in which they are so laid or the session immediately following.

THE SECOND SCHEDULE

Matters within the jurisdiction of Panchayats

(See section 31)

I — Sanitation and Public Health

- 1
-
-
-

II — Public works

- 1
-
-
-

III — Planning and Development

- (a)
-
-

IV — Administration

- 1
-

V — Social Welfare

1. Relief to the crippled and the destitute.
2. Construction of low rent houses to families with yearly income below one thousand rupees.
3. Preventive and relief measures in times of public calamity.
4. Promotion of moral and social welfare activities and encouraging and assisting voluntary organizations and other agencies engaged in such activities.

VI — Education and Culture

1. Promotion of primary education and assistance in improvement of primary schools.
2. Establishment and maintenance of parks, clubs, akhadas and other places of recreation for the villages, including women and children.
3. Establishment and maintenance of libraries and reading rooms.

Assembly Hall,

Panaji,

24th September, 1974.

M. M. NAIK

Secretary to the Legislative
Assembly of Goa, Daman and Diu

LA/B/7/1705/74

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 30th September, 1974 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly (Amendment) Bill, 1974

(Bill No. 19 of 1974)

A

BILL

further to amend the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly Act, 1964.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-fifth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa, Daman and Diu Salaries

and Allowances of Members of Legislative Assembly (Amendment) Act, 1974.

(2) It shall come into force at once.

2. Amendment of section 3.—In section 3 of the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly Act, 1964 (2 of 1965), for the words "two hundred and fifty rupees", the words "three hundred and fifty rupees" shall be substituted.

Statement of Objects and Reasons

The salary payable to the Members of the Legislative Assembly has remained at two hundred and fifty rupees per month from the date of inception of the Assembly, even though the cost of living has substantially increased in the recent years. Taking into consideration this aspect it is proposed to increase the salary of members to three hundred and fifty rupees per month.

The present Bill seeks to achieve this.

Financial Memorandum

The increase in the salary of each member will be one hundred rupees per month. The Bill when enacted would involve an annual recurring expenditure of rupees thirty thousand approximately.

Panaji, PRATAPSING RANE
27th September, 1974. Minister for Legislative Affairs

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
28th September, 1974. Assembly of Goa, Daman
and Diu.

Administrator's recommendation under Section 23 of the Government of Union Territories Act, 1963.

In pursuance of sub-sections (1) and (3) of Section 23 of the Government of Union Territories Act, 1963, the Administrator of Goa, Daman and Diu has recommended to the Legislative Assembly of Goa, Daman and Diu the introduction and consideration of the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly (Amendment) Bill, 1974.

(Annexure to Bill No. 19 of 1974)

The Goa, Daman and Diu Salaries and Allowances of the Members of the Legislative Assembly (Amendment) Bill, 1974

The Goa, Daman and Diu Salaries and Allowances of the Members of the Legislative Assembly Act, 1964

(Act No. 2 of 1965)

3. Salaries and daily allowances.—A member shall be entitled to receive salary at the rate of two hundred and fifty rupees per month during his term of office and shall also be entitled to receive daily allowances at the rate of twenty five rupees for each day during any period of residence on duty:

Provided that the member shall not be entitled to daily allowance for any day during the period of residence on duty unless he has, except due to illness, attended such session or meeting if any, on that day.

Explanation:—Daily allowance shall be admissible to a member for each day of residence on duty irrespective of the time of his arrival or departure.

Assembly Hall,
Panaji,
28th September, 1974

M. M. NAIK
Secretary to the Legislative Assembly
of Goa, Daman and Diu.

LA/B/7/1706/74

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 30th September, 1974 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker (Amendment) Bill, 1974

(Bill No. 20 of 1974)

A BILL

to further amend the Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker Act, 1964.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker (Amendment) Act, 1974.

(2) It shall come into force at once.

2. Amendment of section 3.—In sub-section (2) of section 3 of the Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker Act, 1964, for the words "one hundred rupees", the words "one hundred and fifty rupees" shall be substituted.

Statement of Objects and Reasons

At present the Speaker of the Legislative Assembly is being paid a sumptuary allowance of one hundred rupees per month. The Speaker has to entertain many dignitaries and important persons who visit him. In view of this it is proposed to increase the sumptuary allowance to one hundred and fifty rupees per month.

The present Bill seeks to achieve this.

Financial Memorandum

The Bill involves a recurring expenditure of six hundred rupees per year.

Panaji, PRATAPSING RANE
27th September, 1974. Minister for Legislative Affairs

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
28th September, 1974. Assembly of Goa, Daman
and Diu.

Administrator's recommendation under Section 23 of the Government of Union Territories Act, 1963.

In pursuance of sub-sections (1) and (3) of Section 23 of the Government of Union Territories Act, 1963, the Administrator of Goa, Daman and Diu has recommended to the Legislative Assembly of Goa, Daman and Diu the introduction and consideration of the Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker (Amendment) Bill, 1974.

(Annexure to Bill No. 20 of 1974)

The Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker (Amendment) Bill, 1974

The Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker Act, 1964

(Act No. 4 of 1965)

3. Salary and Allowances of the Speaker.—(1) The Speaker shall be paid such salary, conveyance allowance and travelling and daily allowances and shall be entitled to such amenities regarding residence and motor car, as are provided for a Minister other than the Chief Minister and a Deputy Minister under the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964.

(2) The Speaker shall also be paid a sumptuary allowance of one hundred Rupees per month.

Assembly Hall,
Panaji,
28th September, 1974

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman
and Diu.

LA/B/7/1707/74

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 30th September, 1974 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Salaries and Allowances of Ministers (Amendment) Bill, 1974

(Bill No. 21 of 1974)

A
BILL

further to amend the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-fifth Year of the Republic of India as follows:—

1. Short title and commencement. — (1) This Act may be called the Goa, Daman and Diu Salaries and Allowances of Ministers (Amendment) Act, 1974.

(2) It shall come into force at once.

2. Amendment of section 3. — In section 3 of the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 (3 of 1965) (hereinafter called the "Principal Act"), for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Every Minister, other than a Deputy Minister, shall also be entitled to a sumptuary allowance as laid down below, namely:—

(a) Chief Minister Rs. 200/- per month.

(b) Other Ministers Rs. 100/- per month."

3. Amendment of section 5. — In section 5 of the Principal Act, —

(i) in sub-section (2), for the words "one hundred rupees", the words "one hundred and fifty rupees" shall be substituted; and

(ii) in sub-section (3), for the words "three hundred rupees", the words "three hundred and fifty rupees" shall be substituted.

Statement of Objects and Reasons

At present the Minister other than the Chief Minister, is not entitled to any sumptuary allowance. A Minister, during the tenure of his office has to entertain many visiting dignitaries and important citizens when they call on him. Hence, it is proposed to make a provision in the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 to enable a Minister to draw a nominal sumptuary allowance of one hundred rupees per month. Clause 2 of the Bill seeks to achieve this.

Further under Section 5 of the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 a Minister availing the benefit of free use of a Government Motor car is entitled to a conveyance allowance of one hundred Rupees per month and a Minister using his own car, instead of Government car, is entitled to a conveyance allowance of three hundred rupees per month. These allowances had been fixed in the year 1970 taking into account the cost of petrol and oil, as was prevailing at that time. In the recent years the cost of petrol and oil have gone up and compared to the prevailing rates of petrol and oil, the conveyance allowance drawn by a Minister is too low. Clause 3 of the present Bill seeks to enhance the rates of conveyance allowance payable to Ministers.

Under the present Bill a Minister availing himself the free use of a motor car would be entitled to a conveyance allowance of one hundred and fifty rupees per month and a Minister using his own car would be entitled to three hundred and fifty rupees per month.

Financial Memorandum

The Bill involves recurring expenditure of Rs. 3600/- per year in respect of sumptuary allowance to Ministers and of Rs. 2400/- per year in respect of conveyance allowance.

Memorandum regarding Delegated Legislation

Under the said Amendment no delegate legislation is contemplated.

Panaji-Goa, PRATAPSING RANE
25th September, 1974. Minister for Legislative Affairs
Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
28th September, 1974. Assembly of Goa, Daman
and Diu.

Administrator's recommendation under Section 23 of the Government of Union Territories Act, 1973.

In pursuance of sub-section (1) and (3) of Section 23 of the Government of Union Territories Act, 1963, the Administrator of Goa, Daman and Diu has recommended to the Legislative Assembly of Goa, Daman and Diu the introduction and consideration of the Goa, Daman and Diu Salaries and Allowances of Ministers (Amendment) Bill, 1974.

(Annexure to Bill No. 21 of 1974)

The Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964

The Goa, Daman and Diu Salaries and Allowances
of Ministers Act, 1964
(Act No. 3 of 1965)

3. Salary and Sumptuary Allowance. — (1) There shall be paid to each Minister a monthly salary as laid down below, namely:—

1. Minister other than Deputy Minister Rs. 1000/-
2. Deputy Minister Rs. 700/-

(2) The Chief Minister shall also be entitled to a sumptuary allowance of two hundred rupees per month.

5. Conveyance allowance with and without motor car amenities. — (1) Each Minister shall at his option be entitled to the free use of motor car and the services of a chauffeur. The cost of petrol and oil for the car shall be borne by the Minister.

(2) A Minister availing of the motor car amenities provided under sub-section (1) shall be paid a conveyance allowance of one hundred rupees per month.

(3) A Minister who instead of availing of the motor car amenities provided under sub-section (1) uses his own motor car shall be paid a conveyance allowance of three hundred rupees per month.

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
28th September, 1974. Assembly of Goa, Daman
and Diu

Law and Judiciary Department

Notification

LD/4628/74

The following Order/Ordinance which was recently issued by the Government of India is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).
Panaji, 26th September, 1974.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 17th September, 1974/
/Bhadra 26, 1896 (Saka)

THE MAINTENANCE OF INTERNAL SECURITY
(AMENDMENT) ORDINANCE, 1974

No. 11 of 1974

Promulgated by the President in the Twenty-fifth Year of the Republic of India.

An Ordinance further to amend the Maintenance of Internal Security Act, 1971.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title and commencement. — (1) This Ordinance may be called the Maintenance of Internal Security (Amendment) Ordinance, 1974.

(2) It shall come into force at once.

2. Act 26 of 1971 to be temporarily amended. — During the period of operation of this Ordinance, the Maintenance of Internal Security Act, 1971 (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3, 4 and 5.

3. Amendment of section 2. — In section 2 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

“(cc) “smuggling” has the same meaning as in clause (39) of section 2 of the Customs Act, 1962 and all its grammatical variations and cognate expressions shall be construed accordingly;”

4. Amendment of section 3. — In section 3 of the principal Act, in sub-section (1),—

(a) in clause (b), the word “or” shall be inserted at the end;

(b) after clause (b), the following clause shall be inserted, namely:—

“(c) if satisfied with respect to any person (including a foreigner) that with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange or with a view to preventing him from—

- (i) smuggling goods, or
- (ii) abetting other persons to smuggle goods, or
- (iii) dealing in smuggled goods.”

5. Insertion of new section 16A. — After section 16 of the principal Act, the following section shall be inserted, namely:—

“16A. Cases in which and circumstances under which persons may be detained for longer than

three months without obtaining opinion of Advisory Board. — (1) Notwithstanding anything contained in this Act, any person (including a foreigner) in respect of whom an order of detention has been made under this Act may be detained without obtaining the opinion of the Advisory Board for a period longer than three months but not exceeding one year from the date of his detention, where the order of detention has been made against such person with a view to preventing him from smuggling goods or abetting other persons to smuggle goods, and the Central Government has reason to believe that such person —

(i) smuggles or is likely to smuggle goods, or

(ii) abets or is likely to abet other persons to smuggle goods,

into, out of or through any specified area as defined in clause (c) of section 11H of the Customs Act, 1962. 52 of 1962.

(2) In the case of any person (including a foreigner) to whom sub-section (1) applies, sections 10 to 13 shall have effect subject to the following modifications, namely: —

(a) in section 10, for the words "shall, within thirty days", the words "may, at any time prior

to but in no case later than three months before the expiration of one year" shall be substituted;

(b) in section 11, —

(i) in sub-section (1), for the words "from the date of detention", the words "from the date on which reference is made to it" shall be substituted;

(ii) in sub-section (2), for the words "the detention of the person concerned", the words "the continued detention of the person concerned" shall be substituted;

(c) in section 12, for the words "for the detention" in both the places where they occur, the words "for the continued detention" shall be substituted;

(d) in section 13, for the words "twelve months", the words "two years" shall be substituted.

FAKHRUDDIN ALI AHMED,

President.

K. K. SUNDARAM,

Secy. to the Govt. of India.